

Exhibit “F”

Declaration of Lynnette Oka

1 Krieg, Keller, Sloan, Reilley & Roman LLP
114 Sansome Street, Suite 400
2 San Francisco, California 94104-3839
Telephone: (415) 249-8330
3 Facsimile: (415) 249-8333

4 Attorney for PLANTIFF
CHANEL, INC., a New York Corporation
5

6 THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 CHANEL, INC., a New York
corporation,
9

10 Plaintiff,

11 v.

12 CASONDRA TSHIMANGA a/k/a
CASONDRA SMITH a/k/a
13 CASONDRA SATCHER a/k/a C.
MAYFIELD a/k/a ANNE LLOYD et al.,
14

15 Defendants.
16
17

Case No. CV 07-03592-EMC

**DECLARATION OF
LYNNETTE OKA IN
SUPPORT OF CHANEL,
INC.'S MOTION FOR ENTRY
OF DEFAULT JUDGMENT
AGAINST CASONDRA
TSHIMANGA.**

DATE:
TIME:
PLACE:

18 I, Lynnette Oka, declare and state as follows:
19

20 1. My name is Lynnette Oka, and I am employed by Chanel, Inc.'s
21 ("Chanel") related company The Chanel Company Limited, Inc. ("TCCL") as
22 Director, Internet Administration and Enforcement. I have been so employed since
23 2000.
24

25 2. I am over 18 years of age and have personal knowledge of the facts set
26 forth herein.

1 3. In my capacity as TCCL's Director, Internet Administration and
2 Enforcement, I am responsible, in part, for Chanel's trademark anti-counterfeiting
3 efforts in the United States particularly as they relate to Internet enforcement. As a
4 result, I am fully familiar with most aspects of the manufacture, sale, and
5 distribution of genuine Chanel products including handbags, wallets, scarves, and
6 other goods.
7

8
9 4. Prior to filing suit, Chanel received information that the Defendant was
10 selling handbags, wallets, scarves, and other goods under the Chanel Marks at issue
11 in this action without Chanel's authorization through the Internet website
12 HandbagOutpost.com, DesignerOutpost.net, and HandbagsLuxery.com. The
13 Defendant does not have, nor has she ever had, the right or authority to use the
14 Chanel Marks for any purpose.
15
16

17 5. In or about May, 2006, as part of its ongoing investigation regarding
18 the sale of counterfeit Chanel products, Chanel retained Robert Holmes of
19 IPCyberCrime.com, LLC, formerly, the Holmes Detective Agency, to investigate
20 Defendant. Mr. Holmes purchased a handbag bearing the Chanel Marks from
21 HandbagOutpost.com and delivered the same to Chanel.
22
23

24 6. A representative of Chanel, Adrienne Hahn Sisbarro, personally
25 inspected and analyzed the handbag purchased from HandbagOutpost.com and
26 determined it to be a non-genuine Chanel product. True and correct photographs of
the handbag that Ms. Hahn Sisbarro inspected are attached as Composite Exhibit

1 “2” to the Declaration of Robert Holmes in Support of Chanel’s Motion for Default
2 Judgment.

3
4 7. I sent a cease and desist letter on behalf of Chanel to the Defendant via
5 Email on November 13, 2006 and via Certified Mail on November 15, 2006,
6 requesting that the Defendant, among other things, cease all sales of products
7 bearing counterfeits of the Chanel Marks. True and correct copies of Chanel’s
8 November 13, 2006 cease and desist electronic mail message and November 15,
9 2006 cease and desist letter sent by me are attached hereto as Composite
10 Exhibit “1.”
11

12
13 8. On or about November 13, 2006, in response to the cease and desist
14 letter, Chanel received an electronic mail message from Defendant Tshimanga
15 using the electronic mail address “customerservice@handbagoutpost.com.” In her
16 response, Defendant Tshimanga requested a telephone number at which she could
17 contact me. A true and correct copy of the November 13, 2006 email response
18 Chanel received from Defendant Tshimanga is attached hereto as Exhibit “2.”
19

20
21 9. In or about January 2007, Chanel again became aware that the
22 Defendant was continuing to sell and offer for sale handbags and various other
23 items under the Chanel Marks at issue in this action without Chanel’s authorization
24 through an additional Internet website HandbagsLuxury.com. True and correct
25 copies of the relevant pages from Defendant’s website HandbagsLuxury.com I
26

1 captured on January 9, 2007 are attached as Composite Exhibit "K" to Chanel's
2 Motion for Default Judgment.
3

4 I declare under penalty of perjury under the laws of the United States of
5 America that the foregoing is true and correct.

6 FURTHER DECLARANT SAYETH NAUGHT.
7

8 Dated this 22 day of January 2008.
9

10 
LYNNETTE OKA
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Composite Exhibit “1”

Lynnette Oka

11/13/2006 05:33 PM

To: info@handbagoutpost.com, customerservice@handbagoutpost.com

CC:

Subject: Sale of Counterfeit CHANEL Merchandise

Casondra Tshimanga
2642 Oliver Drive
Hayward, CA 94545

Re: Sale of Counterfeit CHANEL Merchandise

Dear Ms. Tshimanga:

I am writing on behalf of Chanel, Inc. ("Chanel").

Chanel is the owner of the world famous CHANEL and CC Monogram trademarks (the "Chanel Marks"). Chanel owns numerous federal trademark registrations for the Chanel Marks. These registrations constitute conclusive evidence of our ownership of the Chanel Marks, as well as Chanel's exclusive right to use these Marks. As a matter of federal law, these trademark registrations have put you on constructive notice of Chanel's rights in the Marks.

It has come to our attention that you have been advertising and offering for sale handbags and accessories which bear counterfeit Chanel marks. We are aware that you have advertised and sold these goods through www.handbagoutpost.com and www.designeroutpost.net.

Your conduct in offering for sale and selling unauthorized products bearing the Chanel Marks constitutes civil trademark counterfeiting under state and federal law and may also subject you to criminal penalties. The civil remedies available to Chanel may include the seizure and destruction of your goods, an injunction prohibiting your further use of the Chanel Marks, payment of Chanel's attorney fees, and payment to Chanel of three times the amount of money that you made from your sale of counterfeit Chanel merchandise.

In view of the foregoing, we request that you provide us with the following information if you are inclined to resolve this matter on an amicable basis:

1. The identity of the source of all products that you have offered to sell or sold bearing the Chanel Marks;
2. A description of all products that you have sold bearing the Chanel Marks;
3. An accounting of all products sold bearing the Chanel Marks, including the number of products sold, your purchase price for each piece of merchandise you sold, and the sale price that you received for each item sold;
4. A detailed list of all products that you have in inventory bearing the Chanel Marks and the location of the inventory;

5. The names of all purchasers to whom you have sold the counterfeit Chanel products.

In addition to this information we must receive from you a written representation that you will:

- a. cease and desist from your sale of counterfeit or unauthorized merchandise bearing the Chanel Marks;
- b. deliver up to us for destruction all remaining inventory that you have of good bearing the Chanel Marks;
- c. reimburse Chanel for all monies spent in investigating your sale of counterfeit or unauthorized merchandise bearing the Chanel Marks; and
- d. provide payment to Chanel of all monies you received from the sale of said merchandise.

We anticipate receiving the requested information, materials and representations from you within two (2) weeks of the date of this letter. If such is not the case, we will have no alternative but to refer this matter for further legal action.

This letter is written without waiver of any of Chanel's rights or remedies, all of which are expressly reserved.

Very truly yours,
Lynnette Oka

CHANEL

November 15, 2006

**BY EMAIL & CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

info@handbagoutpost.com
customerservice@handbagoutpost.com

Casondra Tshimanga
2642 Oliver Drive
Hayward, CA 94545

Re: Sale of Counterfeit CHANEL Merchandise

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It has come to our attention that you have been advertising and offering for sale handbags and accessories which bear counterfeit Chanel marks. We are aware that you have advertised and sold these goods through www.handbagoutpost.com and www.designeroutpost.net.

Your conduct in offering for sale and selling unauthorized products bearing the Chanel Marks constitutes civil trademark counterfeiting under state and federal law and may also subject you to criminal penalties. The civil remedies available to Chanel may include the seizure and destruction of your goods, an injunction prohibiting your further use of the Chanel Marks, payment of Chanel's attorney fees, and payment to Chanel of three times the amount of money that you made from your sale of counterfeit Chanel merchandise.

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2. A description of all products that you have sold bearing the Chanel Marks;

3. An accounting of all products sold bearing the Chanel Marks, including the number of products sold, your purchase price for each piece of merchandise you sold, and the sale price that you received for each item sold;
4. A detailed list of all products that you have in inventory bearing the Chanel Marks and the location of the inventory;
5. The names of all purchasers to whom you have sold the counterfeit Chanel products.

In addition to this information we must receive from you a written representation that you will:

- a. cease and desist from your sale of counterfeit or unauthorized merchandise bearing the Chanel Marks;
- b. deliver up to us for destruction all remaining inventory that you have of good bearing the Chanel Marks;
- c. reimburse Chanel for all monies spent in investigating your sale of counterfeit or unauthorized merchandise bearing the Chanel Marks; and
- d. provide payment to Chanel of all monies you received from the sale of said merchandise.

We anticipate receiving the requested information, materials and representations from you within two (2) weeks of the date of this letter. If such is not the case, we will have no alternative but to refer this matter for further legal action.

This letter is written without waiver of any of Chanel's rights or remedies, all of which are expressly reserved.

Very truly yours,

Lynnette Oka 

Lynnette Oka

Exhibit “2”

Lynnette Oka

11/28/2006 11:00 AM

To: customerservice@handbagoutpost.com@INT_CHANEL
cc: Lynnette Oka/US/CHANEL@US_CHANEL
Subject: Re: Sale of Counterfeit CHANEL Merchandise

Dear Ms. Tshimanga,

We appreciate your cooperation and see that the offending merchandise has been removed from your site. If we should see Chanel counterfeit merchandise again on your site, or any venue owned by you, we will take all appropriate action.

Again, we request that you 1) remove all references to Chanel from your site since given the nature of Internet search engines, your misuse of the Chanel Marks will divert consumer traffic to your website, away from legitimate Chanel websites, 2) remove all advertisements including those on shopping.com and dealtime.com, 3) provide us with all information pertaining to the source from which you obtained the counterfeit and/or infringing merchandise, including each source's name, address, phone number and e-mail address, 4) give us written confirmation that you have discontinued all sale, advertising, and promotion of any counterfeit products bearing the CHANEL and CC Monogram trademarks or any other Chanel trademark and that you will not resume such activities at any time in the future, and 5) deliver to us for destruction all remaining inventory bearing Chanel marks to:

Chanel, Inc.
Legal Department
9 West 57th Street
New York, NY 10019
212-688-5055

Thank you. Lynnette Oka

customerservice@handbagoutpost.com



customerservice@handbagoutpost.com

11/13/2006 09:08 PM

To: Lynnette Oka/US/CHANEL@US_CHANEL
cc:
Subject: Re: Sale of Counterfeit CHANEL Merchandise

I need a phone number where I can reach you.

Thank You

>-----Original Message-----

>From: Lynnette.Oka@chanelusa.com [mailto:Lynnette.Oka@chanelusa.com]

>Sent: Monday, November 13, 2006 05:41 PM

>To: info@handbagoutpost.com, customerservice@handbagoutpost.com

>Subject: Sale of Counterfeit CHANEL Merchandise

>

>

>Casondra Tshimanga

>2642 Oliver Drive

>Hayward, CA 94545

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